

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

PATRINA DRANE,	:	Case No. 3:24-cv-202
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Michael J. Newman
	:	Magistrate Judge Caroline H. Gentry
	:	
SHERIFF ROB STRECK,	:	
	:	
Respondent.	:	

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DEFICIENCY ORDER

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This matter is before the Court on a petition for a writ of habeas corpus prepared by Janitra Brown and Olakwesu Y. Elbey for petitioner Patrina Drane, who is currently incarcerated at the Montgomery County Jail. (Doc. 1, at PageID 1). The filing fee has been paid. However, two preliminary matters must be addressed.

First, pursuant to Fed. R. Civ. P. 11, every pleading, written motion, and other paper shall be signed by the *party* if not represented by counsel. Here, Brown, who identifies herself as petitioner's daughter and has submitted a durable power of attorney (POA), signed the petition on petitioner's behalf. But it does not appear that either Brown or Olakwesu is an attorney licensed to practice law in this Court. Nor does it appear that petitioner is unable to prosecute this case on her own behalf. *See Tate v. United States*, 72 F. App'x 265, 266 (6th Cir. 2003) ("[T]o act on a prisoner's behalf, a putative next friend must demonstrate that the prisoner is unable to prosecute the case on [her] own behalf due to 'inaccessibility, mental incompetence, or other disability' and that the next friend is 'truly dedicated to the best interests of the person on whose behalf he seeks to litigate.'") (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 163-4 (1990)).

Therefore, notwithstanding the POA, neither Brown nor Olakwesu can appear on petitioner's behalf in this habeas matter.

Next, although the petition indicates that petitioner is facing drug charges (Doc. 1, at PageID 1), the petition does not provide any additional information regarding the status of the charges or the court in which any proceedings have occurred. Without this information, the Court is unable to determine whether this matter is properly before this Court.

Accordingly, the **Clerk of Court** is **DIRECTED** to return the petition (Doc. 1) to petitioner, Booking Number 24-006269, at the Montgomery County Jail.<sup>1</sup> Should petitioner wish to proceed with this case, petitioner is **ORDERED** to sign the petition and return it to the Clerk of Court within **thirty (30) days** of the date of this Order. Petitioner is further **ORDERED** to file in this Court a written response providing, to the best of her knowledge, the status of her charges and the court in which any proceedings have occurred.

**Petitioner is advised that failure to respond to this Order within the requisite 30-day period may result in the case being dismissed for lack of prosecution. Should petitioner need additional time to respond, petitioner should file a motion for extension of time.**

**IT IS SO ORDERED.**

July 29, 2024

/s/ Caroline H. Gentry  
CAROLINE H. GENTRY  
United States Magistrate Judge

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<sup>1</sup>The Montgomery County Jail website indicates that petitioner is currently incarcerated under Booking Number 24-006269. Viewed at: [https://mont.miamivalleyjails.org/JAILBOOKING.ASPX?CJIS\\_OR\\_PARTY\\_ID=C1332468&JAILBOOKING\\_ID=51024501](https://mont.miamivalleyjails.org/JAILBOOKING.ASPX?CJIS_OR_PARTY_ID=C1332468&JAILBOOKING_ID=51024501).